

LEE LAW OFFICES

KENYON MARK LEE (CSBN 94102)
MONIKA P. LEE (CSBN 117019)
1700 South El Camino Real, Suite 450
San Mateo, California 94402
Telephone: (650) 212 3400
Facsimile: (650) 212 3404

STEVE SCHIRLE, SBN 96085
CESAR V. ALEGRIA, JR. SBN 145625
PACIFIC GAS AND ELECTRIC COMPANY
P.O. Box 7442
San Francisco, CA 94120

Attorneys for Defendant
PACIFIC GAS AND ELECTRIC COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RASH B. GHOSH,

Plaintiff,

vs.

CITY OF BEKELEY, ZACHARY D.
COWAN, LAURA MCKINNEY, MARK
RHOADES, JOAN MacQUARRIE,
MATTHEW LeGRANT, PATRICK
EMMONS, BERKELEY HOUSING
AUTHORITY, TIA INGRAM, J. BENJAMIN
MCGREW, PACIFIC GAS AND ELECTRIC
COMPANY, KORMAN & NG, ROBERT
RICHERSON, and Doe 1 GREG
HEIDENREICH, and Doe 2 MALCOLM D.
PRINCE, Doe 3 FRANK TULP and DOES 1-
10.

Defendants.

Case No. CV-14-02922 MMC

**NOTICE OF MOTION AND MOTION TO
DISMISS AMENDED COMPLAINT AS
TO DEFENDANT PG&E OR, IN THE
ALTERNATIVE, FOR A MORE
DEFINITE STATEMENT**
Fed. R. Civ. Proc 12 (b) (6); 12 (e)

Date: December 19, 2014
Time: 9:00 a.m.
Court.: 450 Golden Gate Avenue, San
Francisco, CA
Dept.: Courtroom 7
Judge: Hon. Maxine Chesney

Complaint filed: June 24, 2014

1 TO PLAINTIFF RASH B. GHOSH:

2 NOTICE IS HEREBY GIVEN that on December 19, 2014 at 9:00 a.m., or as thereafter as
3 counsel may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San
4 Francisco, California, Courtroom 7, 19th Floor, in the courtroom of Judge Maxine M. Chesney,
5 defendant will, and hereby does, move the Court for an order dismissing the amended complaint
6 as to defendant Pacific Gas and Electric Company. This motion is brought on the grounds that
7 (1)the amended complaint is so vague and unintelligible that it completely fails to state a viable
8 claim for relief under Rule 12 (b)(6); (2) the plausible claims are barred by the applicable statutes
9 of limitation; (3) the claims are barred by the principles of res judicata and collateral estoppel; (4)
10 plaintiff has failed to serve a proper summons duly issued by the clerk of the court; (5) plaintiff
11 has failed to timely serve the summons and complaint within 120 days of the filing of the
12 complaint.

13 This motion is based on this Notice of Motion and Motion, the Memorandum of Points and
14 Authorities filed herewith, the declaration of Kenyon Mark Lee filed herewith, the Request for
15 Judicial Notice, also filed herewith, and the pleadings and papers on file herein, and upon such
16 other matters as may be presented to the Court at the time of the hearing.

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18 Dated: November 13, 2014

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20 By: /s/ Kenyon Mark Lee

21 Kenyon Mark Lee

22 Attorneys for Defendant Pacific Gas and
23 Electric Company
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